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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,745	02/06/2002	Bohdan Konstantyn Zabawskyj	33743-2012	4767
33721	7590	03/22/2006	EXAMINER	
TORYS LLP 79 WELLINGTON ST. WEST SUITE 3000 TORONTO, ON M5K 1N2 CANADA			HO, DUC CHI	
			ART UNIT	PAPER NUMBER
			2616	
DATE MAILED: 03/22/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/066,745

Applicant(s)

ZABAWSKYJ ET AL.

Examiner

Duc C. Ho

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-21 and 24-40 is/are rejected.
- 7) ☒ Claim(s) 22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the memory for storing service execution logic in claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

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2. Claims 20-23 are objected to because of the following informalities: Claims 20, and 21 recites the limitation "the local database" in line 1, it is unclear as to whether "the local database refers to "database" of claim 13-line 4 or not.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 12-14, 18-21, 24-25, 27-35, 37, and 39-40 are rejected under 35 U.S.C. 102(e) as being anticipated by McConnell et al. (U.S. 6,970,719), hereinafter referred to as McConnell.

Regarding claim 12, McConnell discloses private wireless network integrated with public wireless network. Figure 1 discloses gateway SCP 70 for private network 12, and WIN SCP 38 as a gateway for public network 14, see col.9-line 38 to col. 12-line 38.

Regarding claim 13, referring to figure 3, the gateway SCP 70-fig.3 inherently includes memory for storing service execution logic; a database 74-fig.3; the service logic module 76 (corresponding to a mechanism for loading and executing service logic); the base service logic 81 (corresponding to service execution logic for one or

more telecommunication services); the interface 82-fig.1 (corresponding to interfaces for the purpose of communicating with public telecommunication network elements utilizing the native communication protocols supported by the network elements); the interface 40-fig.1 (corresponding to interfaces for the purpose of communicating with other public network gateways utilizing a communication channel and protocol).

Regarding claim 14, this claim has similar limitations as claim 13. Therefore, they are rejected under Thornton for the same reasons set forth in the rejection of claim 13.

Regarding claim 18, the public gateway SCP 70-fig.1 is capable of conveying service logic to private network gateway and other public network gateways via a communication channel and protocol, see col. 17, lines 27-46.

Regarding claim 19, the private gateway WINS CP 38-fig.1 is capable of conveying service logic to private network gateway and other public network gateways via a communication channel and protocol, see col. 17, lines 27-46.

Regarding claim 20, the gateway SCP 70-fig.3 includes a database 74 containing data pertaining to the state of circuit-switched calls, data-packet sessions, and application as well as state and profile information pertaining to subscribers, see col. 10, lines 11-38.

Regarding claim 21, this claim has similar limitations as claim 20. Therefore, they are rejected under McConnell for the same reasons set forth in the rejection of claim 20.

Regarding claim 24, the gateway 70-fig.1 and 38-fig.1 are capable of interfacing with network elements for the purpose of terminating or transcoding bearer traffic.

Regarding claim 25, McConnell discloses private wireless network integrated with public wireless network.

*the loading and execution of service logic on a computer platform (the gateway SCP 70 or the SCP38-fig.1 is capable of loading and executing service logic on a computer platform, see col. 13, lines 41-48);*

*detecting a trigger event (the MSC16-fig. 1, see col. 12, lines 20-31);*

*reacting to a trigger event by executing the service logic appropriate to the indicated service request or response as well as the state and profile associated with a given subscriber (the SCP 38-fig.1 responds to the MSC 16 by executing the service logic appropriate to the indicated service request as well as the state and profile associated with a given subscriber, see col. 12, lines 25-38, and col.13-line 49 to col. 14-line 29);*

*updating the state information associated with a subscriber, network element, circuit-switched connection, or packet-switched connection (see col. 17, lines 13-48).*

Regarding claim 27, the service logic is distributed among one or more computer platforms located within the domain of private network, i.e., within the SCP70-fig.1, or the public network, i.e., the SCP 38-fig.1.

Regarding claim 28, the computer platform on which the service logic executes, i.e. the SCP70-fig.1, directly interface with a network element located in the private network, i.e., the STP72-fig.1.

Regarding claim 29, the computer platform on which the service logic executes, i.e. the SCP70-fig.1, does not directly interface with a network element located in the public network.

Regarding claim 30, the service logic determines the appropriate treatment and rating for a telecommunication service.

Regarding claim 31, the computer platform of the gateway 70-fig.1 is capable of generating records providing description of services.

Regarding claim 32, the computer platform of the gateway 70-fig.1 is capable of generating records, which provide charging information for provided services.

Regarding claim 33, the service logic of the gateway 70-fig.1 may execute algorithms serially or concurrently in one or more computer platforms to provide a telecommunications service.

Regarding claim 34, McConnell system is capable of validating a given service request against the subscriber status information and profile before the service is rendered.

Regarding claim 35, the service logic invokes the functionality or capability of a network element, i.e., the STP72 in the private network for the provision of a telecommunication system.

Regarding claim 36, the service logic in the gateway 70-fig.1 may be transferred and loaded into the memory (not shown) of the computer platform using removable media.

Regarding claim 39, the service logic of the gateway SCP 70-fig.1 is capable of being conveyed to another computer platform via a communication channel and protocol.

Regarding claim 40, attempts to modify service logic in the SCP 70-fig.1 could be mediated and validated.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 15-17, 26, 36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell, in view of Graves et al. (US 2003/0007621), hereinafter referred to as Graves.

Regarding claim 15, McConnell discloses all claimed limitation, except executing service logic utilizing an application programming interface.

One skill in the art would recognize the advantage of using an application programming interface such as the XML, which is a based script language, to define call processing and services.

Graves discloses systems and process for call and call feature administration on a telecommunications network. Graves discloses the use of HTML or XML for provision of telecommunication services, see 0086-0089.



At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine McConnell with Graves.

The suggestion/motivation for doing so would have been to define call processing and services with a based script language.

Therefore, it would have been obvious to combine McConnell with Graves to obtain the invention as specified in claim 15.

Regarding claim 16, the WIN SCP 38-fig.1 of McConnell is capable of convey service requests and responses to private network gateway SCP 70-fig.1 and other gateways via an application programming interface, i.e., the XML of Graves.

Regarding claim 17, the gateway SCP 70-fig.1 of McConnell is capable of convey service requests and responses to public network gateway SCP 38-fig.1 and other gateways via an application programming interface, i.e., the XML of Graves.

Regarding claim 26, McConnell discloses all claimed limitations, except a service request or response conveyed via an application programming interface.

One skill in the art would recognize the advantage of using an application programming interface such as the XML, which is a based script language, to define call processing and services.

Graves discloses systems and process for call and call feature administration on a telecommunications network. Graves discloses the use of HTML or XML for provision of telecommunication services, see 0086-0089.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine McConnell with Graves.

The suggestion/motivation for doing so would have been to define call processing and services with a based script language.

Therefore, it would have been obvious to combine McConnell with Graves to obtain the invention as specified in claim 26.

Regarding claim 36, the service logic of McConnell is capable of mediating the service requests and responses for the purpose of ensuring compliance with the structure of the application programming interface, i.e. XML of Graves.

Regarding claim 38, the service logic of McConnell is capable of being deployed and executed on the computer platform using an application programming interface of Graves.

### ***Allowable Subject Matter***

8. Claims 22, and 23 are objected to as being independent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Elliott et al. (US 2004/0022237) ; Chen (US 6,574,464); McConnell(US 6,560,327) are cited to show method and system for distributing and executing service logic, which is considered pertinent to the claimed invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner



Duc Ho

03-17-06